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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 STEVEN ALLEN BROWN,

11 Petitioner,

12 v.

13 RONALD DAVIS, Warden of California State
14 Prison at San Quentin,

15 Respondent.
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Case No. 1:19-cv-01796-DAD

DEATH PENALTY CASE

ORDER SETTING CASE MANAGEMENT
CONFERENCE

Date: June 1, 2020

Time: 1:30 p.m.

Courtroom: 5

Judge: Hon. Dale A. Drozd

19 On December 23, 2019, petitioner Steven Allen Brown, a state prisoner facing capital
20 punishment, commenced this action pursuant to 28 U.S.C. § 2254 by filing applications for
21 appointment of counsel to represent him, stay of execution, and to proceed *in forma pauperis*.

22 On January 9, 2020, California Deputy Attorney General Charity Whitney noticed her
23 appearance in this action.

24 On January 13, 2020, the court issued an order referring the case to the Selection Board
25 for the Eastern District of California for recommendation of counsel, denying without prejudice
26 petitioner's application for stay of execution and granting petitioner's application to proceed *in*
27 *forma pauperis*.

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1 On January 31, 2020, the court adopted the recommendation of the Selection Board and
2 appointed attorneys Sara Cohbra and John Mills to represent petitioner in this action.

3 Accordingly,

4 1. On June 1, 2020, at 1:30 p.m., the undersigned will hold the initial case
5 management conference. The parties may appear at that time by telephonically.
6 Counsel are directed to contact the court's courtroom deputy Jami Thorpe, to
7 advise that they will be appearing telephonically and to obtain the teleconference
8 number and pass code.

9 2. Petitioner's counsel shall be prepared to discuss the date for filing the federal
10 habeas petition pursuant to 28 U.S.C. § 2254 and any intention of seeking tolling.

11 3. Respondent's counsel shall be prepared to discuss a date for filing the answer or
12 other responsive pleading as well as setting a date for electronic lodging of the
13 state court record. (*See* Local Rule 191(h)(1).) The court's expectation regarding
14 electronic lodging of the state record is that:

15 a. Respondent's counsel shall file a Notice of Lodging and lodge the state
16 court record in electronic (optical character recognition) format on the
17 court's electronic filing system, each item of the state court record shall be
18 lodged as an attachment to the Notice of Lodging, for each separate
19 attachment the Notice of Lodging shall identify the attachment number
20 and the Bate-stamp numbers and the name of that part of the record
21 including its internal pagination if any, the identical identifying
22 information shall also be included as the docket title of each electronically
23 lodged attachment to the Notice of Lodging, to the extent possible each
24 separate paper volume of the state court record shall be lodged as one
25 attachment,

26 b. State sealed records shall be lodged in paper form, and

27 c. Respondent's counsel need not lodge the state court record on CDs and
28 courtesy copies on CD are not required.

1 4. Counsel for petitioner and respondent shall meet and confer regarding the above
2 scheduling and other matters and file not later than one (1) week prior to the case
3 management conference a joint statement summarizing their discussions including
4 matters upon which they agree and their respective positions in the event of
5 disagreement.

6 5. At the conclusion of the case management conference, respondent's counsel will
7 be excused and the conference will continue *ex parte* with counsel for petitioner
8 present to discuss budgeting matters including requirements of: the Criminal
9 Justice Act, 18 U.S.C. § 3006A ("CJA") Policies and Procedures of the Judicial
10 Council of the Ninth Circuit;¹ the Guidelines for Administering the CJA and
11 Related Statutes, Volume 7, Part A, Guide to Judiciary Policy;² and applicable
12 requirements of the Guide to Case Management and Budgeting in Capital Habeas
13 Cases in the Eastern District of California Fresno Division.³ Counsel for
14 petitioner shall submit a complete initial budget including supporting
15 documentation through eVoucher not later than one (1) week prior to the case
16 management conference.⁴ The court-authorized CJA funding will be submitted to
17 and reviewed by the Ninth Circuit's Capital Case Committee. The Capital Case
18 Committee will then make a recommendation to the Judicial Council of the Ninth
19 Circuit.

20 IT IS SO ORDERED.

21 Dated: **February 3, 2020**

22 
UNITED STATES DISTRICT JUDGE

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24 ¹Available at <https://www.ca9.uscourts.gov/attorneys/>

25 ² *Id.*

26 ³ Available at <http://www.caed.uscourts.gov/caednew/index.cfm/forms/cja-capital-habeas-forms/>

27 ⁴ Counsel shall work with Ninth Circuit Case Managing Attorney Jennifer Naegele (email:
28 jnaegele@ce9.uscourts.gov; phone (415) 355-8986) to prepare the budget and receive
instructions for using eVoucher.